

DECLARATION OF HAROLD BENNETT

I, Harold Bennett, on my oath, declare as follows:

1. I have personal knowledge of the facts contained in this declaration. I am over the age of eighteen (18), and am competent to make this Declaration and to testify with regard to its contents.
2. I am the inventor and assignor of U.S. Patent Application No. 09/994,560, filed Nov. 27, 2001, entitled "Improved Process for Production of Low Temperature Char During Production of Low Temperature Tars."
3. I only recently learned that my application had become abandoned. Because of the recent increase in oil prices, I believe my invention will be of increased value, and I have had opportunity to consider some new business opportunities involving my invention. This recently lead me to check on the status of my application on line, but I could find no record of it.
4. When I failed to find any record of my application, I contacted my attorneys. That was on July 11, 2008. They indicated that the file was in off-site storage, and that they would contact me when the file had been retrieved.
5. On July 14, 2008, my attorneys contacted me, and informed me that the Patent Office had sent a Notice of Abandonment on Nov. 28, 2003.
6. Based on our records, the Notice of Abandonment was issued by the Patent Office on the mistaken belief that we had not responded to a January 15, 2003 Office Action. According to our records, a response to the January 15, 2003 Office Action was filed on May 15, 2003, along with a petition and fee for a 1 month extension of time, and was therefore timely.
7. Furthermore, based on our records, the Patent Office communicated with the office of my attorneys on July 24, 2003, because the Examiner could not find the response that

was filed on May 15. According to our records, the Examiner indicated that the response might be with the scanning department. My attorneys' office indicated that, if that turned out to be incorrect, they could send another copy, but no request for an additional copy was ever received.

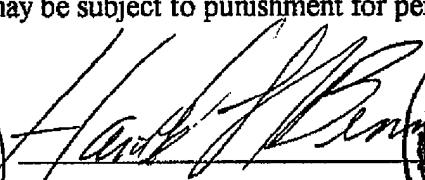
8. Because there was, in fact, no delay in filing the response to the January 15 Office Action, the abandonment was unavoidable.

9. Between May 15, 2003, and July 11, 2008, I believed that my application was still pending, and awaiting action by the Patent Office.

10. Consequently, any delay in filing a petition to revive the application was unintentional.

11. The foregoing statements are true to the best of my knowledge and belief. I know that if I have made any willfully false statements I may be subject to punishment for perjury.




Harold Bennett

